

Hedgerows and the Hedgerow Regulations

Hedgerows are distinctive features of the countryside, contributing positively to landscape character and interest.

As the most traditional type of field boundary in many areas, hedgerows and their banks are often of considerable historic interest. Many date back to the very first enclosure of the land and may incorporate other historic features such as ancient earthworks, parish or estate boundaries. Some hedges are thought to date back to Romano-British time, whilst others are recent enclosures of the late 19th century.

Hedges, particularly older hedgerows, often contain a great diversity of plant and wildlife species. Hedgerows play an important part in conserving and enhancing biological diversity.

Loss of hedgerows in England is a continuing cause for concern:

- Between 1984 – 1990 total hedgerow length was reduced by 20%;
- 5% of total hedgerow length was new planting rather than established hedges;
- 19% of former hedgerows could no longer be classified as hedges due to neglect.

Hedgerow grant schemes were introduced in 1992 to encourage new hedgerow planting and combat neglect of hedgerows. 1990-1993 showed a slowing rate of hedgerow removal and increase in new hedge planting.

Protection of Hedgerows

The Hedgerow Regulations were made under section 97 of the Environment Act 1995 and came into operation on 1 June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification.

The system applies to Countryside Hedgerows which are 20 metres or more long, or which meet a hedgerow at either end. (*Garden Hedges are not affected.*)

Owners, tenants or utility operators wishing to remove a hedge or part of a hedge must notify the Local Planning Authority (using a "Hedgerow Removal Notice" form) setting out their reasons. The Local Planning Authority then has 6 weeks to give or refuse consent.

The Local Authority assesses the hedge against set criteria to determine whether or not it is important prior to making a decision.

Hedgerow Regulations

Under the Hedgerow Regulations 1997: it is a **criminal offence** to remove most countryside hedgerows deliberately without permission.

if you remove a hedgerow without permission (whether it is important or not) you may face an unlimited fine. You may also have to replace the hedgerow, which will then be automatically "important" for 30 years.

To get permission to remove a hedgerow, you must notify your local planning authority. You can contact Harrogate Borough Council Planning Enquiries who will send you a form called a **Hedgerow Removal Notice** for you to complete and return with a map showing the location of the hedgerow. There is no charge.

In many cases the Council's Landscape Architect will visit the site to assess the wildlife and landscape value of the hedge. At the same time, the County Records Office and County archaeologist assess the historical and archaeological value of the hedge. If the hedge meets one or more of the strict criteria under the Hedgerow regulations, it is deemed to be "important."

If the hedge does not meet the criteria, it is not considered "important" and the Council will inform you that the works described in your notification may proceed.

If the hedge is found to be "important" the Council then decides whether the works you propose are permissible, given that there is a presumption to protect "important" hedges. Unless satisfied that removal is justified, the Council must refuse permission.

If the Council decides to prohibit removal of an important hedgerow, it must let you know within 6 weeks. The Council will usually send you a notice saying that the hedgerow is to be retained (**Hedgerow Retention Notice**) or a letter saying that you may carry out the works despite the hedge being "important."

If you have not heard from the Council within 6 weeks of the date on which they received your Hedgerow Removal notice, you can carry out the works anyway.

Permission for the works lasts for 2 years from the date of the written permission or the ending of the 6-week period. A hedgerow retention notice is permanent.

If you require a Hedgerow Removal Notice form or have any further questions about the Regulations please contact Planning Inquires on 01423 556666.

What is a countryside hedgerow?

A hedgerow is "a row of bushes forming a hedge, with the trees etc. growing in it."

A hedgerow does not have to contain trees, but any trees growing in it form part of the hedgerow.

Where a former hedgerow has not been actively managed and has grown into a line of trees, it is not covered by the Regulations. However, lines of trees may be protected by Tree Preservation Orders and be subject to felling license arrangements.

Countryside hedgerows are defined as those on, or running alongside:

- common land;
- village greens;
- Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas under the Birds Directive, Special Areas of Conservation under the Habitats Directive, Local Nature Reserves;
- land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys;
- Harrogate Borough Council Public Open Space (according to HBC Legal).

Gaps of 20 metres or less are counted as part of the hedgerow. A gap may be a break in the vegetation or it may be filled by, for example, a gate.

Hedges shorter than 20 metres (unless both ends join up with other hedgerows or it is part of a longer hedgerow) or hedges in your garden or which border it are not subject to the Regulations.

You do not need permission to remove your hedgerows to get access:

- either in place of an existing opening, providing that you plant a new stretch of hedgerow to fill the original entrance within 8 months, or;
- when another means of entry is not available, except at disproportionate cost;
- to gain temporary entry to help in an emergency;
- to comply with a statutory plant or forestry health order e.g. to prevent the spread of/ensure eradication of a plant or tree pest;
- to comply with a statutory notice for preventing interference with electric lines and apparatus;

- in connection with statutory drainage or flood defence work*;
- in connection with Highways Agency work;
- for national defence purposes;
- to implement a planning permission (but in the case of permitted development rights, most hedgerow removal WILL require prior permission).

**A statutory notice is where the local district drainage board or the Environment Agency issue notice for the hedge to be removed. A farmer's decision to remove hedgerows as part of his private ditch works is not considered to be statutory and a Hedgerow Removal Notice is required. Often agreement can be reached so that the ditch can be maintained without hedgerow removal.*

What is the difference between hedgerow removal and hedgerow management?

Hedgerow removal means action that results in the hedge being destroyed.

Normal hedgerow management i.e. cutting back a hedge in a manner that does not result in its destruction is unlikely to constitute removal and does not need to be notified. Acceptable management practices are intended to revitalise hedges and should reflect local practices.

However, some forms of normal hedgerow management can *look like* hedgerow removal; and, if done in too severe a fashion *can result* in hedgerow removal.

For example, removing the top growth and grubbing up the roots is clearly hedge removal; whereas cutting down the hedgerow growth to the stumps is called "coppicing" and is an accepted form of hedgerow management to promote bushy growth and would be exempt from the need to notify.

However, coppicing that is repeated at too frequent intervals can *kill* the hedge plants and result in hedgerow destruction.

Coppicing would be *considered removal* where it has never formed a traditional technique of hedgerow management in the area.

The general public are alert to hedgerow removal and can mistake normal hedgerow management for removal. If you are considering carrying out dramatic hedgerow management, it would be a good idea to notify the Council informally of your proposals so that they can reassure public enquiries.